

REMARKS

Applicant's representative and the Examiner participated in a phone interview on January 30, 2009. The claims and the Blants et al. reference were discussed. No agreement on the claims was reached.

Applicant deleted all pending claims except for claim 18 in response to the Final Office Action because claim 18 was indicated as being allowable. However, the Examiner has presented a new rejection of claim 18 in a new Non-Final Office Action. By this amendment, Applicant has represented the cancelled claims with additional amendments. As Applicant has previously paid the additional claim fees for these claims, no additional fees are due for these claims. Applicant has added a new independent claim 91 by this amendment.

Claim 18 is rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The Examiner states that claim 18 is drawn to a process, and a process must be 1) tied to a particular machine or apparatus or 2) transform underlying subject matter such as an article to a different state of thing. Claim 18 has been amended to recite the particular machine or apparatus that is tied to the process.

Claim 18 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that it is unclear if the trigger and the trigger value are the same. The claims have been amended to recite a "trigger." The Examiner also states that it is unclear if the step of "activating an alert" is the same step or different step than "generating a trigger." The claims clearly recite that the alert is activated when the comparison of the occurrences of the at least one health symptom exceed a trigger. Therefore, the step of "activating an alert" and "generating a trigger" are clearly different. The Examiner also states that the preamble is unclear because of the body of the claim incorporates steps beyond the detection of an event, that is, "updating the trigger" occurs after "the method of detecting an event." The preamble has been amended to recite that the method includes generating and updating a trigger.

Applicant has added new claims that were previously pending in this application with some amendments. Blants et al. does not disclose a method or a system for detecting an event wherein the at least one health symptom is used to determine which of a plurality of different events is being detected. Blants et al. generally discloses a method and an apparatus for collecting information in association with a single event, an asthma event. As only one event is being

detected, Blants et al. does not disclose that health symptoms are used to determine which of a plurality of different events is being detected. The disclosure of Blants et al. is very general and vague, and the claimed features are not disclosed.

The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C., \$65.00 for a one-month extension to time (small entity). No additional fees are due. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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